

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

BIOFER S.P.A.,

Plaintiff,

v.

VIFOR (INTERNATIONAL) AG.,

Defendant.

Civil Action No. 1:22-CV-02180-AMD-SJB

**DECLARATION OF SANYA SUKDUANG IN SUPPORT OF VIFOR  
(INTERNATIONAL) AG'S SUR-REPLY CLAIM CONSTRUCTION BRIEF**

I, Sanya Sukduang, declare as follows:

1. I am a partner in the law firm Cooley LLP, counsel of record for Defendant Vifor (International) AG (“Vifor”) in the above referenced matter. I am licensed to practice in the District of Columbia and before the United States Patent and Trademark Office, and I am admitted to appear *pro hac vice* in the above referenced matter. I have personal knowledge of the matters set forth herein. I make this declaration in support of Vifor’s Sur-Reply Claim Construction Brief.

2. On July 12, 2023, Exhibits **1-20** were filed in support of Vifor’s Responsive Claim Construction Brief. (*See* DE 63-1 to DE 63-20.)

3. Attached as **Exhibit 21** is a true and correct copy of the Reply Declaration of Jeffrey D. Winkler, Ph.D. in support of Vifor (International) AG’s Sur-Reply Claim Construction Brief.

4. Attached as **Exhibit 22** is a true and correct copy of a document titled Biofer 3.2.S.2.2 Description of Manufacturing Process and Process Control for Iron Dextran, Version 04, dated April 2021 (BIOFER\_000012561–BIOFER\_000012569).

5. Attached as **Exhibit 23** is a true and correct copy of an excerpt of a letter from Biofer to the EPO Boards of Appeal regarding European Patent No. 1858930, dated February 13, 2023 (VIFOR\_000026416–VIFOR\_000026437).

6. Attached as **Exhibit 24** is a true and correct copy of International Standard 5377 - Starch hydrolysis products - Determination of reducing power and dextrose equivalent - Lane and Eynon constant titre method (1981).

7. Attached as **Exhibit 25** is a true and correct copy of a Written Submission by Biofer S.p.A. (“Biofer”) to the European Patent Office in EPO Proceeding regarding European Patent No. 1858930, dated November 23, 2018 (BIOFER\_000009317–BIOFER\_000009326).

8. Attached as **Exhibit 26** is a true and correct copy of a letter from Biofer to the EPO Boards of Appeal regarding European Patent No. 1858930, dated January 20, 2022 (BIOFER\_000009342–BIOFER000009347).

I declare under the penalty of perjury that, to the best of my knowledge, the foregoing statements are true and correct.

DATED: July 26, 2023

Respectfully Submitted,

/s/ Sanya Sukduang  
Sanya Sukduang (*pro hac vice*)

**COOLEY LLP**  
1299 Pennsylvania Ave., NW, Ste. 700  
Washington, DC 20004  
Tel: (202) 842-7800  
ssukduang@cooley.com

*Attorney for Defendant Vifor (International)*  
*AG*